

Application No. 09/706,127  
Reply to Office Action of March 27, 2006

IN THE DRAWINGS

The attached sheets of drawings include changes to Figures 1-3. These sheets, which include Figures 1-6, replace the original sheets including Figures 1-6.

Attachment: Two Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 5, and 7-29 are pending in this application. Claims 1-3, 5, and 7-11, 14-24, 27, and 29 are amended by the present amendment. No new matter is added.

In the outstanding Official Action, the drawings were objected to; Claims 2, 5, 7, and 9 were objected to; Claims 5, 26, and 28 were rejected under 35 U.S.C. §112, second paragraph; Claims 1-3, 5, and 7-29 were rejected under 35 U.S.C. §101; Claims 1, 12, and 15 were rejected under 35 U.S.C. §102(b) as anticipated by Wilkinson et al. (IEEE, Ref. No. 1997/382, hereinafter Wilkinson); Claims 2, 5, 7-11, 13, 14, 16-21, and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilkinson in view of Enerothe et al. (U.S. Patent No. 6,631,116, hereinafter Enerothe); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Wilkinson in view of Mendenhall et al. (U.S. Patent No. 6,341,198, hereinafter Mendenhall); Claims 22-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilkinson in view of Enerothe and further in view of Yamane et al. (U.S. Patent No. 5,784,528, hereinafter Yamane); and Claims 25 and 28 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilkinson in view of Yamashita et al. (U.S. Patent No. 5,696,557, hereinafter Yamashita) and further in view of Tappan (U.S. Patent No. 6,295,296).

With regard to the objection to the drawings, Figures 1-3 are amended herewith to include the label “Prior Art.” With regard to the terms identified in the outstanding Office Action, exemplary figures showing these terms are as follows: “an input for receiving an STDI signal” is shown in Figure 13 (SDTI-CP), “a format converter” is shown in Figures 13 and 14 (see page 16, line 24 of the present specification), “a buffer” is shown in Figure 12 (buffer 4), “a file transfer system” is shown in Figure 12 (network link 16), “a multiplexor” is shown in Figure 13 (mux 20). With regard to the “means plus function” elements, proper

claim interpretation of a means-plus-function (35 U.S.C. §112, 6<sup>th</sup> paragraph) element entails consideration of the structures disclosed in the specification and equivalents thereof. In determining the scope of the claims prior to determining compliance with each statutory requirement for patentability, MPEP §2106 provides:

*Office personnel* are to correlate each claim limitation to all portions of the disclosure that describes the claim limitation. This is to be done in all cases, i.e., whether or not the claimed invention is defined using *means or step plus function language*. The correlation step will ensure that office personnel will correctly interpret each claim limitation.  
(emphasis added).

Accordingly, the objection to the drawings is believed to be overcome.

With regard to the rejection of Claims 5, 26, and 28 under 35 U.S.C. §112, second paragraph, Claim 5 is amended to recite “if the number of words in the Element is greater than zero.” With regard to Claims 26 and 28, as noted above, MPEP § 2106 provides that *office personnel* are to correlate each claim limitation to all portions of the disclosure that describes the claim limitation. Accordingly, it is respectfully submitted that Claims 5, 26, and 28 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the objection to Claims 2, 5, 7, and 9, Claims 2, 5, 7, and 9 are amended to correct informalities. Accordingly, the objection to Claims 2, 5, 7, and 9 is believed to be overcome.

With regard to the rejection of Claims 1, 2, and 9 under 35 U.S.C. §101, that rejection is respectfully traversed. Claims 1 and 9 are amended to recite the computer system accesses the file structure including the metadata in the System Item to facilitate accessing the one or more of the Picture, Audio and Auxiliary Item. Claim 2 is amended to recite the SDTI system accesses the metadata in the System Item to facilitate accessing the one or more of the Picture, Audio and Auxiliary Item. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP §2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP §2106 provides,

**a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this section, Claims 1, 2, and 9 are statutory as they define functionalities which are realized based on the interrelationship of the structure to the file structure or signal format and the recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP §2106 also states that,

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection of Claims 1, 2, and 9 under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

Further, with regard to the rejection of Claims 12, 13, 20, 25, 26, and 28, MPEP §2106 further provides that:

*Office personnel* have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitations to a practical application in a technological arts should it be rejected under 35 U.S.C. §101 . . . Further, when such a rejection is made, *office personnel must expressly state how the language of the claims has been interpreted to support the rejection.* (emphasis added) See MPEP §2106.

Applicant respectfully submits that no express statement has been provided as to how the language of the claims have been interpreted to support the 35 U.S.C. §101 rejection in

violation of the guidelines of MPEP §2106. Accordingly, should such a rejection be maintained in a subsequent communication with respect to any of the aforementioned claims, Applicant respectfully requests the Examiner provide an express statement on the record in accordance with MPEP §2106 guidelines explaining how such claim terminology, such as “Content Package,” “System Item,” “Picture Item,” “Audio Item,” and “Auxiliary Item” is interpreted. More specifically, how such limitations are deficient to define a practical application in the technological arts of useful, concrete and tangible result. See State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368, 1374, 47 (Fed. Cir. 1998) (discussing practical application of a mathematical algorithm, formula, or calculation.).

Accordingly, Applicant respectfully requests that the rejection of Claims 1-3, 5, and 7-29 under 35 U.S.C. §101 be withdrawn.

With regard to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Wilkinson, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

the System and the one or more of the Picture, Audio and Auxiliary Items each comprises:  
a Label having a predetermined number of bytes, and including at least one byte identifying the Item;  
a word count indicating the number of bytes of data of the Item;

The outstanding Office Action cited the control data Figures 1 and 9 of Wilkinson as a “System Item.”<sup>1</sup> However, the Office Action does not specify where the control data of Figures 1 and 9 of Wilkinson includes an item header indicating the number of element blocks in the alleged “System Item.” In fact, it is respectfully submitted that the control data of Wilkinson does not include “a word count” as recited in Claim 1. Consequently, as Wilkinson does not teach each and every element of Claim 1, Claim 1 is not anticipated by Wilkinson and is patentable thereover.

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<sup>1</sup>See the outstanding Office Action at page 14, line 1.

Claim 12 recites in part:

the System, and the one or more of the Picture, Audio and Auxiliary Items being formed by concatenating:  
a Label having a predetermined number of bytes and including at least one byte identifying the Item;  
a word count indicating the number of bytes of data of the Item;

As noted above, Wilkinson does not teach all these features. Accordingly, Claim 12 (and Claim 15 dependent therefrom) is not anticipated by Wilkinson and is patentable thereover.

With regard to the rejection of Claim 2 under 35 U.S.C. §103(a) as unpatentable over Wilkinson in view of Enerothe, that rejection is respectfully traversed.

Amended Claim 2 recites in part:

the System and the one or more of the Picture, Audio and Auxiliary Items each comprises:  
a word count indicating the number of bytes of data of the Item;  
one or more Element data blocks, and an Item header, preceding the element data block, indicating the number of element data blocks in the Item;  
each Item being modified in that a Label having a predetermined number of bytes and identifying the Item replaces the Start Code of the Item and the End Code of the Item is removed and the data of the System Item includes metadata relating to each of the Picture, Audio and Auxiliary Items in the Content Package,

As discussed above, it is respectfully submitted that Wilkinson does not teach or suggest a System Item including “a word count.

Further, the outstanding Office Action cited Enerothe as describing “a Label (... LEQ code ...) ... replaces the Start Code of the Item ... and the End Code if the Item is removed.”<sup>2</sup> However, Enerothe describes “mini cells,” which are ATM sub cells allocated to particular connections in a telecommunications system. Enerothe is particularly directed toward mobile telecommunication applications.

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<sup>2</sup>See the outstanding Office Action at page 17, lines 12-19.

It is not clear from the outstanding Office Action how “each Item being modified in that a Label having a predetermined number of bytes and identifying the Item replaces the Start Code of the Item and the End Code of the Item is removed” is disclosed in Enerothe. The LEQ code (label) described in Enerothe does not *replace* anything; it is an *addition* to a mini cell header. This can be seen by comparing Figures 1 to 4 of Enerothe and the associated description with Figure 9 of Enerothe. There appears to be no disclosure in Enerothe, even in the passage cited in the outstanding Office Action, of the LEQ code being associated with anything equivalent to an end code being removed. Accordingly, Enerothe does not teach or suggest that “each Item being modified in that a Label having a predetermined number of bytes and identifying the Item replaces the Start Code of the Item and the End Code of the Item is removed” as recited in Claim 2.

Further, it is respectfully submitted that there is no suggestion or motivation to modify the device described by Wilkinson with the teachings of Enerothe. Wilkinson is directed to the broadcast of Audio/Video data between editing equipment such as video players, while Enerothe concerns an adaptation of ATM mini cells for mobile telecommunications. Thus, as Wilkinson and Enerothe solve very different problem in different ways, one skilled in the art would not be motivated to combine their respective features.

Thus, as Wilkinson and Enerothe does not teach or suggest each and every element of Claim 2, and there is no suggestion or motivation to combine Wilkinson and Enerothe, Claim 2 (and Claims 5, 7, and 8 dependent therefrom) is patentable over Wilkinson in view of Enerothe.

Claim 9 recites in part:

the Content Package having at least a System Item and one or more of a Picture Item, an Audio Item and an Auxiliary Item, the System and one or more of the Picture, Audio and Auxiliary Items each comprising a word count indicating the number of bytes of data of the Item; one or more element data blocks, and an Item header, preceding the element data block,

indicating the number of element data blocks in the Item; each Item being modified in that a Label having a predetermined number of bytes and identifying the Item replaces the Start Code of the Item and the End Code of the Item is removed, and the data of the System Item includes metadata relating to each of the Picture, Audio and Auxiliary Items in the Content Package.

In light of the discussion above with respect to Claim 2, it is respectfully submitted that Claim 9 (and Claims 10 and 11 dependent therefrom) is patentable over Wilkinson in view of Enerothe.

Claim 13 recites in part:

receiving an SDTI signal comprising an SDTI Content Package having a System Item and one or more of a Picture Item, an Audio Item and an Auxiliary Item, the System, and the one or more of the Picture, Audio and Auxiliary Items each comprising a start code, a word count indicating the number of bytes of data of the Item, one or more Element data blocks, and an Item header, preceding element data block, indicating the number of element data blocks in the item, and an end code;  
removing the start and end codes identifying the Item type;

In light of the discussion above with respect to Claim 2, it is respectfully submitted that Claim 13 (and Claims 14 and 16-19 dependent therefrom) is patentable over Wilkinson in view of Enerothe.

Claim 20 recites in part:

an input for receiving an SDTI signal comprising an SDTI Content Package having a System Item and one or more of a Picture Item, an Audio Item and an Auxiliary Item, the System, and one or more of the Picture, Audio and Auxiliary Items each comprises:

a start code, a word count indicating the number of bytes of data of the Item, one or more Element data blocks, and an Item header, preceding the element data block, and indicating the number of element data blocks in the Item, and an end code; and

a format converter for removing the start and end codes; and for inserting a Label in place of the start code, the Label having a predetermined number of bytes and at least one byte identifying the Item, wherein the System item includes

metadata relating to the one or more of the Picture, Audio and Auxiliary Items in the content package.

In light of the discussion above with respect to Claim 2, it is respectfully submitted that Claim 20 (and Claims 21-24 dependent therefrom) is patentable over Wilkinson in view of Enerothe.

Claim 26 recites in part:

an input for receiving an SDTI signal comprising an SDTI Content Package having at least a System Item and one or more of a Picture Item, an Audio Item and an Auxiliary Item, the System, and the one or more of the Picture, Audio and Auxiliary Items each comprises a start code, a word count indicating the number of bytes of data of the Item, one or more Element data blocks, an Item header, preceding the element data block, indicating the number of element data blocks in the item, and an end code; and

means for removing the start and end codes; and the Item type word and for inserting a Label in place of the start code, the Label having a predetermined number of bytes and at least one byte identifying the Item, wherein the System Item includes metadata relating to the one or more of the Picture, Audio and Auxiliary Items in the content package.

In light of the discussion above with respect to Claim 2, it is respectfully submitted that Claim 26 (and Claim 27 dependent therefrom) is patentable over Wilkinson in view of Enerothe.

With regard to the rejection of Claim 3 as unpatentable over Wilkinson in view of Mendelhall, it is noted that Claim 3 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Mendelhall does not cure any of the above-noted deficiencies of Wilkinson. Accordingly, it is respectfully submitted that Claim 3 is patentable over Wilkinson in view of Mendelhall.

With regard to the rejection of Claims 22-24 as unpatentable over Wilkinson in view of Enerothe and further in view of Yamane, it is noted that Claims 22-24 are dependent from Claim 20, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yamane does not cure any of the above-noted

deficiencies of Wilkinson and Enerothe. Accordingly, it is respectfully submitted that Claims 22-24 are patentable over Wilkinson in view of Enerothe and further in view of Yamane.

Claim 25 recites in part:

receiving a signal comprising a Content Package having at least a System Item and one or more of a Picture Item, an Audio Item and an Auxiliary Item, the System, and the one or more of the Picture, Audio and Auxiliary Items each comprises a Label having a predetermined number of bytes and at least one byte identifying the Item, a word count indicating the number of bytes of data of the Item, one or more Element data blocks, and having an Item header, preceding the element data block, indicating the number of element data blocks in the Item;

removing the Label of each Item; inserting a start code and Item type word in place of the Label; and

inserting an end code to thereby produce an SDTI signal, wherein the System Item includes metadata relating to the one or more of the Picture, Audio and Auxiliary Items in the content package.

As noted above, it is respectfully submitted that Wilkinson does not teach or suggest a System Item including “a word count.”

Further, the outstanding Office Action states Wilkinson and Yamashita do not disclose the feature of “inserting in place of the label.”<sup>3</sup> However, Claims 25 and 28 state “inserting a start code and Item type word in place of the Label.” Nonetheless, the outstanding Office Action asserts that “inserting in place of the label” is described by the label described in Tappan.<sup>4</sup> Tappan describes a system in which a label is added to an IP packet header to indicate to a router about to receive the packet, an index of a look up table which represents a desired route via which to forward the packet on. It is clear from Tappan that nothing is inserted *in place* of the label (IP packet header label), indeed the label (IP packet header label) *is itself* inserted in an IP packet header. This is discussed throughout Tappan and shown particularly in Figure 5 of Tappan. Accordingly, Tappan does not teach

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<sup>3</sup>See the outstanding Office Action at page 27, line 17.

<sup>4</sup>See the outstanding Office Action at page 27, lines 18-19.

or suggest “inserting a start code and Item type word in place of the Label” as recited in Claim 25 or “means for inserting a start code and Item type word in place of the Label” as recited in Claim 28.

Furthermore, the skilled person would not be inclined to look to Tappan to add to the features in Wilkinson and Yamashita, as Tappan is from a completely different technical field. This is highlighted in the outstanding Office Action by the statement that the skilled person would know to combine Tappan with Wilkinson and Yamashita in order to “minimize differences among the different real time label switching operations.”<sup>5</sup> This advantage is entirely unrelated to the inventions recited in Claims 25 and 28, which are concerned principally with providing a more advantageous file format based on the SDTI protocol, and therefore highlights that a person with ordinary skill in the art would have no motivation to look to Tappan to cure the deficiencies of Wilkinson and Yamashita.

Thus, as Wilkinson, Yamashita, and Tappan do not teach or suggest each and every element of Claims 25 or 28, and there is no suggestion or motivation to combine Wilkinson, Yamashita, and Tappan, Claims 25 and 28 (and Claim 29 dependent therefrom) are patentable over Wilkinson in view of Yamashita and Tappan.

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<sup>5</sup>See the outstanding Office Action at page 27, line 19 to page 28, line 2.

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Accordingly, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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